

REMARKS

Favorable reconsideration of this application is requested in view of the above amendment and the following remarks. Claim 4 is amended. Claims 20-28 were previously canceled. Claims 11 and 16-19 are objected to; claim 29 is allowed. Claims 1, 3-19 and 29 are pending.

The objection to claim 4

Claim 4 is amended to insert the word "unit" in the preamble to remove the objection set forth in the Office Action and is further amended editorially.

The rejections under 35 U.S.C. §102(e)

Claims 1, 3-10 and 12-15 are rejected under 35 U.S.C. §102(e) as being anticipated by US Publication 2003/0144608 to Kojima et al. (Kojima '608). In response, Applicants submit verified English translations of Japanese Patent Applications Nos. 2002-193844 and 2002-193845, each filed July 2, 2002, to perfect their claim to priority under 35 U.S.C. §119(a) and antedate Kojima '608, thereby overcoming the rejection. Applicants are not conceding the correctness of the rejections. Applicants note that the Kojima '608 publication is based on a national stage of a PCT application in the Japanese language. Therefore, 35 U.S.C. §102(e) status is not available for the PCT filing date, and the earliest effective prior art date for the reference is the first publication date (about July 25, 2002) as a 35 U.S.C. §102(a) date.

Support for the claims in the priority documents is as follows. All references are to figures and paragraph numbers of the verified English translation of Japanese Patent Application No. 2002-193844 ('844). Figures 1-17B of '844 are also included in Japanese Patent Application No. 2002-193845.

Support for claim 1 is given in '844 at [0041] through [0049] and Figures 11-14.

Support for claim 3 is given in '844 at [0049] referring to "... lancet 2 partially engages the horizontal wall 32 of the lancet holder 8, whereby the needle 11 is prevented from sticking deep into the skin 99 more than necessary. Referring to Figure 4 of '844, horizontal wall 32 is part of the sensor holder 3 so that reference to the horizontal wall of

lancet holder is incorrect, and the sensor holder engages the lancing member to control the lancing depth in the skin, as claimed.

Support for claim 4 is given in '844 at [0047] and in Figure 7.

Support for claims 5, 6, and 7 is given in '844 at [0042].

Support for claim 8 is given in '844 at [0043].

Support for claims 9-11 is given in '844 at [0027].

Support for claim 12 is given in '844 at [0025] and in Figure 1.

Support for claim 13 is given in '844 in Figure 1.

Support for claim 14 is given in '844 in Figure 14 showing detachment of the cap from the lancing member.

Support for claim 15 is given in '844 in Figures 2 and 3.

Support for claims 16-18 and 29 is given in '844 at [0040] through [0045] and [0049] and in Figures 1, 2, and 7-14.

Support claim 19 is given in '844 in Figure 7.

Support for the claims is provided in the verified translations of the priority documents enclosed herewith, thereby perfecting Applicants' priority claim for and removing Kojima '608 as prior art. Applicants request the Examiner to enter the amendments because they put the claim in condition for allowance and pass this patent application to issuance and if there any remaining issues that can be easily resolved, the Examiner is invited to telephone Mr. Douglas P. Mueller, Reg. No. 30300, at 612.455.3804.



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